

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

GOLDEN BETHUNE-HILL, *et al.*,

Plaintiffs,

v.

VIRGINIA STATE BOARD OF ELECTIONS,  
*et al.*,

Defendants.

Civil Action No. 3:14-cv-00852-REP-AWA-BMK

**STIPULATION REGARDING DISCOVERY DESIGNATIONS**

Pursuant to this Court’s instructions at the pretrial conference held on September 29, 2017, Plaintiffs and Defendant-Intervenors (“Intervenors”) (collectively, the “Parties”) conferred about outstanding objections to their respective discovery designations. To resolve all such objections and conserve judicial resources, the Parties hereby stipulate as follows:

1. The Parties agree that the designations of the transcripts of the depositions of Christopher M. Marston and Roslyn C. Tyler, as filed on July 2, 2015, *see* Dkt. 90, Exs. A and B (“2015 Designations”), are part of the record on remand. *See* Order para. 1 (June 2, 2017) (defining scope of record on remand); *see also* Trial Transcript at 436:20 to 437:9 (July 9, 2015) (“MR. HAMILTON: . . . I neglected to point out to the Court and bring to the Court’s attention the previously submitted deposition designations filed by both parties. It’s been previously filed. That’s docket entry number 90, and that, of course, is part of our case. JUDGE PAYNE: You mean as part of your case. MR. HAMILTON: Yes. JUDGE PAYNE: All right. I guess technically we’ll reopen the case and allow those entries in. You have no objection, Mr. Braden? I take it you knew they were coming. MR. BRADEN: I have no objection, Your Honor. JUDGE

PAYNE: All right, they're part of the case, and thank you very much, Mr. Hamilton, for catching that.").

2. The Parties agree that the following lines of the transcript of the deposition of Christopher M. Marston, which were not designated before the first trial, should be admitted at this time and should be treated as part of the record for the second trial: lines 47:2-6, 47:16-22, and 48:1-15.

3. On September 8, 2017, Plaintiffs designated lines 81:20-25 and 82:1-16 of the transcript of the deposition of Roslyn C. Tyler. Intervenors objected to the designations of lines 81:20-25 and 82:1-16. Plaintiffs agree to withdraw their designations of lines 81:20-25 and 82:1-16. All other portions of the transcript of the deposition of Roslyn C. Tyler that have been designated during the remand phase of this case, by either party, should be admitted and should be treated as part of the record for the second trial.

4. Consistent with this Court's July 13, 2017 Scheduling Order, *see* Dkt. 173 ¶ 10(e), the Parties will file by October 5, 2017, a conformed set of discovery designations reflecting this agreement.

IT IS SO STIPULATED.

DATED: October 3, 2017

By: /s/ Aria C. Branch

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CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of October, 2017, the foregoing was filed and served on all counsel of record pursuant to the Court's electronic filing procedures using the Court's CM/ECF system.

By: /s/ Aria C. Branch  
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